

**United States Court of Appeals
For the First Circuit**

Nos. 05-1526, 05-1588

IN RE NEW SEABURY COMPANY LIMITED PARTNERSHIP,
Debtor,

NEW SEABURY COMPANY LIMITED PARTNERSHIP,

Appellant, Cross-Appellee,

v.

NEW SEABURY PROPERTIES, LLC,

Appellee, Cross-Appellant.

JUDGMENT

Entered: June 7, 2006

CERTIFIED COPY

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AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: SCD Date: 6/7/2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The matter is remanded to the district court with instructions to affirm the initial judgment of the bankruptcy court and to vacate the contrary judgments of the district court.

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Douglas P. Woodlock and Ms. Sarah Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Monaghan, Ms. Nowak, Mr. Sobol, Mr. Rosenfeld, Mr. Michaelson, & Mr. Glynn.]